

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: MR. AND MRS. GREGORY SWECKER, Complainants, vs. MIDLAND POWER COOPERATIVE, Respondent.	DOCKET NO. FCU-99-3 (C-99-76)
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ORDER REGARDING PREFILED DIRECT TESTIMONY

(Issued July 28, 1999)

On July 26, 1999, Mr. Swecker filed what he entitled a Brief in this case. The Brief contains a mix of legal argument and what should be characterized as prepared direct testimony and exhibits. The Sweckers are unrepresented by legal counsel.

IT IS THEREFORE ORDERED:

The portions of the Brief which contain Mr. Swecker's presentation of factual information will be considered to be prepared direct testimony and exhibits. Mr. Swecker must be available at the hearing to be sworn and subject to cross-examination regarding his prepared direct testimony and the exhibits. Legal argument in the Brief will be considered to be a legal brief. However, at this time, all that is required to be filed by the parties is prepared testimony and exhibits according the schedule in the July 8, 1999 Amended Procedural Order and Amended Notice of

Hearing. At the conclusion of the hearing, the parties will be given the opportunity to file briefs.

On July 26, 1999, the Iowa Citizen Action Network filed direct testimony by Ms. Lisa Davis Cook. The Iowa Citizen Action Network filed a petition to intervene in this case, but the petition will not be ruled on until the parties already in the case have had the opportunity to respond or resist the petition for intervention. Therefore, at this time, the Iowa Citizen Action Network is not a party to this case.

IT IS THEREFORE ORDERED:

The direct testimony filed by the Iowa Citizen Action Network will not be considered to be a part of the record in the case. In the future, if any person is allowed to intervene in the case, provision will be made for filing of testimony by the intervenors, either prior to or at the hearing.

IOWA UTILITIES BOARD

/s/ Amy L. Christensen
Amy L. Christensen
Administrative Law Judge

ATTEST:

/s/ Raymond K. Vawter, Jr.
Executive Secretary

Dated at Des Moines, Iowa this 28th day of July 1999.